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7 MYRONISHA DAILEY,
8 Plaintiff,
9 v.
10 JUST ENERGY MARKETING CORP., et
al.,
11 Defendants.

Case No. 14-cv-02012-HSG

**ORDER DENYING DEFENDANT'S
REQUEST FOR PRODUCTION OF TAX
RETURNS**

Re: Dkt. No. 35

12 In a discovery letter brief filed on March 2, 2015, Defendants Just Energy and Commerce
13 Energy requested that this Court order Plaintiff Myronisha Dailey to produce her federal and state
14 income tax returns for the years 2012 through 2014, along with all schedules and attachments
15 thereto. *See* Dkt. 35. Dailey opposed the request. *Id.*

16 California law recognizes a privilege protecting against the forced disclosure of income tax
17 returns. *Webb v. Standard Oil Co.*, 49 Cal. 2d 509, 513 (1957). The purpose of this privilege “is
18 to facilitate tax enforcement by encouraging a taxpayer to make full and truthful declarations in
19 his return, without fear that his statements will be revealed or used against him for other
20 purposes.” *Id.* The tax return privilege is not absolute: it is waived or inapplicable in situations
21 where “(1) there is an intentional relinquishment, (2) the gravamen of the lawsuit is so inconsistent
22 with the continued assertion of the taxpayer’s privilege as to compel the conclusion that the
23 privilege has in fact been waived, or (3) a public policy greater than that of confidentiality of tax
24 returns is involved.” *Schnabel v. Super. Ct.*, 5 Cal. 4th 704, 721 (1993) (citations omitted).

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1 None of the three exceptions to the California tax return privilege are satisfied here, for the
2 reasons articulated by the Court in its March 20, 2015 Order, Dkt. 36, and at the April 8, 2015
3 Case Management Conference. Defendants' request for the production of Dailey's tax returns is
4 therefore DENIED.

5 **IT IS SO ORDERED.**

6 Dated: 4/9/2015



7 HAYWOOD S. GILLIAM, JR.
8 United States District Judge